

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RASHARD BARRION
3312 E. 137 Street
Cleveland, OH 44120

Plaintiff

-against-

TROOPER CHAD M. SCHELL
Ohio Department of Public Safety
1970 West Broad Street
Columbus, Ohio 43223

Defendant

CASE NO.

COMPLAINT

INTRODUCTORY STATEMENT

1. This is an action for damages sustained by a citizen of the United States against an officer of the Ohio State Patrol who unlawfully assaulted the Plaintiff.

JURISDICTION

2. This action is brought pursuant to 42 U.S.C. § 1983 and sequential sections, and the Fourth, Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States.

3. This Court has subject matter jurisdiction of the action under 28 U.S.C. §1331 and 28 U.S.C. §§, 1343(a)(3),(4).

4. This Court may also exercise supplemental jurisdiction over the plaintiff's state law claims that arise from the same facts and circumstances under 28 U.S. C. § 1367.

PARTIES

5. Plaintiff is a resident of the City of Cleveland, and at all times relevant to the allegations of this complaint was a citizen of the United States, and a resident of Cuyahoga County, State of Ohio.

6. At all times relevant to this action, Defendant Chad Schell, was a police officer employed by the Ohio State Patrol as a law enforcement officer.

FACTUAL ALLEGATIONS

7. On or about March 5, 2018 Mr. Barrion was pulled over by Trooper Chad Schell who alleged a traffic violation.

8. Trooper Schell directed his dog to attack Mr. Barrion.

9. Trooper Schell allowed his dog to attack Mr. Barrion

10. This was considerable and unreasonable force.

11. Mr. Barrion suffered bite wounds for which he received medical care and which resulted in permanent scarring.

12. As a result of the conduct described above, Plaintiff experienced humiliation, emotional distress, pain and suffering, incurred medical expenses, and was otherwise damaged.

13. The force used was unconstitutional and unreasonable under the circumstances.

14. The Plaintiff was also physically injured as a result of the conduct described in this complaint.

FEDERAL THEORIES OF RECOVERY

15. The actions and omissions described above, engaged in under color of state authority by the defendant deprived the plaintiff of rights secured to him by the Constitution of the United States, including, but not limited to, the Plaintiff's:

A) Fourth Amendment right to be free from unlawful seizure of [his or her] person and

B) Fifth and Fourteenth Amendment rights to due process of law, including the right to be free from unjustified and excessive force utilized by police, and discrimination based on race.

STATE LAW THEORIES OF RECOVERY

16. The acts and conduct alleged above constitute actionable torts under the laws of the State of Ohio, including the tort of:

- A) Assault and battery,
- B) Negligence, and
- C) Gross negligence.

PRAYER

Plaintiff demands the following relief:

- A. Compensatory damages in excess of \$75,000
- B. Punitive damages in excess of \$75000.
- C. Attorney's fees pursuant to 42 U.S.C. §1988.
- D. An award of plaintiff's costs of suit.
- E. All other relief that is appropriate under the circumstances.

Respectfully submitted,

SLATER & ZURZ, LLP

/s/ Sean C. Buchanan

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